



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

PIEDMONT REGIONAL OFFICE

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Secretary of Natural Resources

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WASTE MANAGEMENT BOARD ENFORCEMENT ACTION ORDER BY CONSENT ISSUED TO WASTE MANAGEMENT OF VIRGINIA, INC.

SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code § 10.1-1455, between the Waste Management Board and Waste Management of Virginia, Inc., for the purpose of resolving certain alleged violations of the Virginia Waste Management Act and the Virginia Solid Waste Management Regulations.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "Va. Code" means the Code of Virginia (1950), as amended.
2. "Board" means the Virginia Waste Management Board, a permanent collegial body of the Commonwealth of Virginia as described in Code §§ 10.1-1401 and 10.1-1184.
3. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia as described in Va. Code § 10.1-1183.
4. "Director" means the Director of the Department of Environmental Quality.
5. "Maplewood Facility" means the Maplewood Recycling and Disposal Facility, located at 20221 Maplewood Road, in Jetersville (Amelia County), Virginia and operating under DEQ Solid Waste Permit No. 540.
6. "Order" means this document, also known as a Consent Order

7. "PRO" means the Piedmont Regional Office of DEQ, located in Glen Allen, Virginia.
8. "Sludge" means, any solid, semi-solid or liquid waste generated from a municipal, commercial or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility exclusive of treated effluent from a wastewater treatment plant.
9. "Stabilized" means processed in accordance with Article 5 (Sludge Processing and Management) of the Manual of Practice for Sewerage Systems and Treatment Works, found at 9 VAC 25-790-540 *et seq.*
10. "VSWMR" means the Virginia Solid Waste Management Regulations 9 VAC 20-80-10 *et seq.*
11. "Waste Management" means Waste Management of Virginia, Inc., a corporation certified to do business in Virginia and its affiliates, partners, subsidiaries, and parents.

SECTION C: Findings of Fact and Conclusions of Law

1. The Maplewood Recycling and Disposal Facility ("Maplewood Facility") is a "sanitary landfill", as that term is defined in 9 VAC 20-80-10 of the VSWMR. The landfill is located in Jetersville, Virginia, and is operated by Waste Management of Virginia, Inc. ("Waste Management") under DEQ Solid Waste Permit Number 540 ("SWP 540"). Waste Management is required by 9 VAC 20-80-240.B to comply with SWP 540.
2. On February 7, 2008, DEQ received a report that sludge from the Camden New Jersey Municipal Utilities Authority ("the Authority") was disposed of at the Maplewood Facility. DEQ confirmed with the Authority that the accepted sludge had not been processed in accordance with any of the stabilization methods set forth in 9 VAC 25-790-540 *et seq.*
3. On February 27, 2008, Notice of Violation No. 2008-02-PRO-604 was issued to Waste Management for the acceptance of sludge that was not processed by any of the stabilization methods set forth in 9 VAC 25-790-540 *et seq.* prior to disposal in the landfill. Acceptance of unstabilized sludge for disposal is prohibited by page 4 of the Operations Plan contained in Module II of SWP 540 and 9 VAC 20-80-250.C.17(e).
4. On March 14, 2008, a meeting was held between representatives of Waste Management and DEQ. Waste Management indicated that its Waste Approval Manager for the Maplewood Facility called the Authority directly to confirm that the waste was stabilized prior to its acceptance; however, no written verification was received from the Authority. Waste Management no longer accepts sludge

from the Authority. Waste Management has developed a new Request for Landfill Disposal of Sludge form, on which the generator of the sludge must certify that the sludge is stabilized and indicate the methods for doing so. The form has been completed for all of Waste Management's landfills in Virginia that currently receive sludge.

SECTION D: Agreement and Order

Accordingly, the Board, by virtue of the authority granted it in Va. Code §10.1-1455.F, orders Waste Management, and Waste Management voluntarily agrees, to perform the actions described in Appendix A of this Order. In addition, Waste Management voluntarily agrees to pay a civil charge of \$52,100 for the violations at the Maplewood Facility within 30 days of the effective date of the Order in settlement of the violations cited in this Order. Payment shall be made by check payable to the "Treasurer of Virginia" and shall be delivered to:

Receipts Control
Department of Environmental Quality
Post Office Box 1104
Richmond, Virginia 23218

Either on a transmittal letter or as a notation on the check, Waste Management shall include its Federal Identification Number.

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend the Order with the consent of Waste Management for good cause shown by Waste Management, or on its own motion after notice and opportunity to be heard.
2. This Order addresses and resolves only those violations specifically identified herein, including those matters addressed in the Notice of Violation issued to Waste Management by DEQ on February 27, 2008. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility as may be authorized by law; or (3) taking subsequent action to enforce this Order. This Order shall not preclude appropriate enforcement actions by other federal, state, or local regulatory authorities for matters not addressed herein.
3. Solely for purposes of this Order and subsequent actions with respect to this Order, Waste Management admits the jurisdictional allegations contained herein. Waste Management neither admits nor denies the factual findings and conclusions of law stated herein, but stipulates that it will not contest such findings and conclusions as a defense in any action to enforce this Order.

4. Waste Management consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. Waste Management declares it has received fair and due process under the Administrative Process Act, Va. Code §§ 2.2-4000 *et seq.*, and the Waste Management Act and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to enforce this Order.
6. Failure by Waste Management to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. Waste Management shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other occurrence. Waste Management shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Waste Management shall notify the DEQ Regional Director in writing when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:
 - a. the reasons for the delay or noncompliance;
 - b. the projected duration of any such delay or noncompliance;
 - c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
 - d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Notice shall satisfy this requirement if made to the DEQ representative designated herein by telephone, facsimile or electronic mail, followed by written notice within three business days. Failure to give notice by telephone, facsimile or electronic mail within 24 hours of learning of any condition above, which the parties intend to assert will result in the impossibility of compliance, shall

constitute a waiver of any claim to inability to comply with a requirement of this Order.

9. This Order is binding on the parties hereto, their successors in interest, designees and assigns, jointly and severally.
10. This Order shall become effective upon execution by both the Director or his designee and Waste Management. Notwithstanding the foregoing, Waste Management agrees to be bound by any compliance date which precedes the effective date of this Order.
11. This Order shall remain in effect until:
 - a. Waste Management petitions the Director or his designee to terminate the Order after it has completed all requirements of the Order and the Director or his designee approves termination of the Order; or
 - b. The Director or Board terminates the Order in his or its sole discretion upon 30 days notice to Waste Management.

Termination of this Order, or of any obligation imposed by this Order, shall not operate to relive Waste Management from its obligation to comply with any statute, regulation, other order, certificate, certification, standard, or requirement otherwise applicable.

12. By its signature below, Waste Management of Virginia, Inc. voluntarily agrees to the issuance of this Order.

And it is so ORDERED this December 17, 2008.


Gerard Seeley, Jr., Regional Director
Department of Environmental Quality

Waste Management of Virginia, Inc. voluntarily agrees to the issuance of this Order.

Date: OCTOBER 29, 2008

By: [Signature]
for Waste Management of Virginia, Inc.

Commonwealth of Virginia

City/County of Stafford

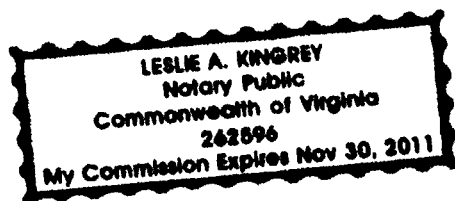
The foregoing document was signed and acknowledged before me this 29 day of
October, 2008, by Steven Berry, who is
(Name)

VP Market Area of Waste Management of Virginia, Inc., on behalf of the
(Title)

Corporation.

[Signature]
Notary Public

My commission expires: 11/30/11



APPENDIX A

1. **No later than December 1, 2008**, Waste Management shall submit a revised Operations Manual and revised permit amendment request to DEQ for the Maplewood Facility. The revised Manual must require a completed Request for Landfill Disposal of Sludge form for any new source of sludge to be disposed of at the Maplewood Facility. The revised Manual must also state that each form shall be updated by the generator of such sludge at least annually.